

**FREDERICK COUNTY PLANNING COMMISSION
MEETING OF MAY 10, 2006
9:30 a.m.**

Members Present: Robert White, Vice Chair; Joe Brown, Secretary; Michael Cady; Commissioner Liaison; Joan McIntyre; Fern Hines; Denny Crum.

Staff Present: Mark Depo, Development Review Planning Director; Gary Hessong; Division of Permitting & Development Review Director; Michael Wilkins, Principal Planner; Justin Horman, Principal Planner; Stephen O'Philips, Principal Planner; Kathy Mitchell, Assistant County Attorney; Ms. Betsy Smith, Director of Development Review Engineering; Michele Long, Recording Secretary; Lori Barlet-Chapman, Substitute Recording Secretary.

Mr. White requested that the Town Center Library, The Villages of Urbana be added to this agenda.

Mr. Brown made a motion to add the Urbana Library as the last item on the agenda for today. 2nd by Ms. Hines.

Yea 4 Nay 0 (Duke, Cady & McIntyre Absent)

1. MINUTES:

Mr. Brown made a motion to approve the minutes from the April 12, 2006 Planning Commission meeting without any corrections. 2nd by Mr. Crum.

Yea 3 Nay 0 (Hines Abstained) (Duke, Cady & McIntyre Absent)

(Mr. Cady & Ms. McIntyre Arrived)

2. PLANNING COMMISSION COMMENTS:

Mr. Brown made comments on the Fire Marshall's office requiring 20 ft. wide driveways on all projects that are currently in the system. Need clarification on whether this is correct interpretation or not a correct interpretation.

Ms. Mitchell: Have not come to a formal legal opinion at this point. Will look further into this to get Planning Commission members a formal legal written opinion.

Mr. White: Understands that this is holding up development at this time. Would like to have a legal opinion as soon as possible.

Mr. Cady spoke of residential sprinklers, advising that homeowners would be well advised to consider sprinkler systems in new construction. Also, pertaining to the legal opinion Commissioner Cady stated that staff has a process they must follow, and when Kathy says she will have it completed as quickly as possible we will have to accept that.

3. **AGENCY COMMENTS:**

Mr. Hessong asked for clarification on what legal interpretation they are asking for. Mr. Brown explained, subdivision regulations and Fire Marshall's opinion contradict one another. Mr. Hessong advised to address all scenarios for clarification purposes.

4. **AGRICULTURAL CLUSTER CONCEPT PLANS**

Taylor Property, Lots 2-5 – Requesting approval of a change in lot design/layout on a previously approved (August 10, 2005) Agricultural Cluster Concept Plan, located on Dotterer Rd, approx. 2,000 ft south of the intersection with Repp Rd. Zoned: (AG) Agricultural, Walkersville Planning Region. Tax Map 43/Parcels 181 and 197. File #M-210A; Hansen # 4681 (Michael Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

Based upon the discussions in this report, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements if the Applicant address all Staff comments. Staff has no objections to the proposed development.

Recommendation:

Should the FcPc approve this Application (M-210A, AP 4681) for the revision to the previously approved Taylor Property Ag Cluster Concept Plan, Staff recommends that the following conditions be added as conditions to the approval:

1. Prior to recording the final (5th) proposed lot, the proposal must meet all regulations and/or policies in place at that time regarding the required travel way widths for servicing Major Subdivisions.
2. Prior to plat recordation, the proposed driveway must be increased to 20' in width OR the future homes constructed on these lots must be equipped with sprinkler systems in order to comply with the Office of Life Safety's requirements. If sprinklers are to be installed, a note must be added to the plat stating such and the driveway must be 16' in width.
3. Sight distance information must be submitted and reviewed by Development Review Engineering prior to final plat approval.

4. The Applicant must continue to comply with all Staff and Agency comments.
5. FRO requirement must be met prior to lot recordation.

Applicant Presentation:

Mr. Scott Miller with Weinberg & Miller representing the applicant Robert & Carol Cope, presented the applicant's proposal. Mrs. Carol Taylor, owner of the property, spoke in reference to which direction the traffic travels on Molasses & Dotterer Roads.

Public Comment

Mr. Charles Player; neighboring property owner. Mr. Player had concerns with the entrance they are proposing. Mr. Player states it is on his deeded property. Mr. Player has no objection of plan except the fact of the negative impact of traffic, and erosion due to lack of County Maintenance.

Rebuttal:

Mr. Miller addressed Mr. Player's concern of the farm equipment entrance being on Mr. Player's property. Mr. Miller stated that this entrance will be relocated.

Decision: Mr. Brown made a motion to grant conditional approval in accordance with the staff recommendations, amending #1 to state a common driveway easement agreement will be submitted to staff to review, and it is only to allow 5 residential lots to use the access road, not to exclude farm equipment. 2nd by Mr. Crum.

Yea 5 Nay 1 (Hines Opposed) (Duke Absent)

5. COMBINED PRELIMINARY/FINAL PLANS

Mountain View Farms, Lots 1-5 – Requesting approval for 5 new lots in a major subdivision, located on the west side of Mountain View Rd. , south of MD Route 140. Zoned: (AG) Agricultural and (R-1) Residential, Thurmont Planning Region. Tax Map 3/Parcel 106. File #M-2819; Hansen # 4200 (Michael Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings: Based upon the discussions in this report, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements. Staff has no objections to the proposed development.

Recommendation:

Should the FcPc approve this Application (M-2819, AP 4200) for the proposed 5 new lots in a Major Subdivision, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all staff and agency comments.
2. The Applicant shall add a note to plat stating FcPc approval and date.
3. The Applicant shall construct the 2 proposed common entrances prior to plat recordation.

Applicant Presentation:

Mr. Chris Gauss with R.F. Gauss & Associates representing Mr. & Mrs. Mara presented the applicant's proposal.

Public Comment:

N/A

Decision: Mr. Brown made a motion to grant conditional approval in accordance with the staff recommendations noting that the panhandle lot be modified to 25.01 acres. 2nd by Mr. Crum.

Yea 6 Nay 0 (Duke Absent)

Huffer Division, Lots 1-4 – (continued from the February 8, 2006 FcPc meeting) Requesting approval for 3 new lots in a major subdivision, and a modification of Section 1-16-219 (C)(2) of the Subdivision Regulations, located on the west side of MD Route 550, north of Pine Tree Rd. Zoned: (AG) Agricultural, Walkersville Planning Region. Tax Map 50/Parcel 161. File #S-941; Hansen # 4346 (Michael Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings: Based upon the discussions in this report, and the report dated February 8, 2006, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements. Though the SHA has not completed their review of the Sight Distance Study, Planning and Engineering Staff believe the Applicant has demonstrated that SHA concerns have been addressed.

Recommendation:

Should the FcPc approve this Application (S941, AP 4346) for the proposed new lots in a Major Subdivision, and grant the panhandle modification per section 1-

16-219(C)(2) of the Subdivision Regulations, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all staff and agency comments, including SHA.
2. The Applicant shall add note to plat stating FcPc approval and date.
3. The Applicant shall meet the requirements of the FRO prior to plat recordation.
4. The Applicant shall construct the common driveway serving all lots and the remainder prior to plat recordation. The common driveway should be redesign in accordance with the recommendations noted in the February 8, 2006 report.

Applicant Presentation:

Mr. David Adams with Vanmar Associates representing the applicant presented the applicant's proposal. Mr. Adams concurred with the staff recommendations.

Public Comment:

Mr. Bill Hoffman, relative of the applicant. Mr. Hoffman addressed Ms. Hine's concerns of the Fogle's -- the grading of the bank.

Decision: Mr. Crum made a motion to grant conditional approval in accordance with the staff recommendations. 2nd by Ms. McIntyre.

Yea 5 Nay 0 (Brown Abstained)(Duke Absent)

(Break at 11:00)

(Resumed at 11:10 a.m.)

6. MISCELLANEOUS REQUESTS

Quail Run – Requesting a modification of Table 1 of the Entrance Spacing Policy to allow a new public street (within the Town of Myersville) with less than 225' of separation from existing residential driveways, located on the south side of Monument Rd, west of Main Street (Myersville). Zoned: R-1, R-2, and OS (Town of Myersville zoning designations), Middletown Planning Region. Tax Map 45&46/ Parcel 7. File #N/A; Hansen # 4706 (Michael Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendation:

Findings:

The FcPc has the authority to grant the modifications to the separation requirements in accordance with the Entrance Spacing Policy. Staff has no objection to the two modification requests.

Recommendation:

Should the FcPc decide to grant approval to the two entrance spacing modifications, Staff recommends that the following conditions be added to the approval:

1. The Applicant shall provide adequate public dedication of Monument Road, said dedication plat to be reviewed and approved by Frederick County.
2. The Applicant shall apply to Frederick County for entrance permits prior to the construction of the entrances.
3. The Applicant shall place a note on the Preliminary Plan indicating FcPc approval of this modification with date.
4. The Applicant shall comply with all Staff and Agency comments throughout the completion of the Preliminary and Improvement Plans, including but not limited to meeting road layback/improvement requirements, and documenting the need for and adequacy of all acceleration/deceleration and bypass lanes along Monument Road.

Applicant Presentation:

Mr. John Mazellon with Fox & Associates representing the applicant Quail Run LLLP, presented the applicant's proposal. Mr. Scott Miller with Weinberg & Miller verified that the Town of Myersville has an APFO Ordinance.

Public Comment

N/A

Decision: Ms. McIntyre made a motion to grant conditional approval in accordance with the staff recommendations only for the well access driveway. 2nd by Mr. Brown.

Yea 6 Nay 0 (Duke Absent)

Decision: Mr. Brown made a motion to grant conditional approval for the public street entrance based on the staff recommendations. 2nd by Mr. Crum.

Yes 5 Nay 1 (McIntyre Opposed) (Duke Absent)

7. **COMBINED PRELIMINARY/SITE PLANS**

Villages of Urbana, M-18 - Requesting approval of 88-lot townhouse subdivision and site plan design on 17.6 acres. Zoned: PUD, located North side Ethan ridge Drive. Tax Map 96/Parcels 229. File#: S-1065 Hansen #: 4585 (Stephen O'Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

The Staff finds, in accordance with the discussions in this report, plus the recommended conditions listed below, that the site plan application meets or will meet all requirements of Subdivision, Zoning, APFO and FRO Ordinance requirements. If the Planning Commission chooses to approve this application, the Staff recommends that the following conditions be added to the approval:

1. Re-examine parking space distribution, with the goal of providing additional spaces to the tot lot area and the east end of the project.
2. Prove additional landscape trees in the parking islands subject to utility placement.
3. Provide elevation and location of free-standing signs if they are proposed for this site.
4. Provide Photometric Chart (or spec-sheet data) and light pole standards limiting to 12' height and .5 ft.candle illumination at periphery.
5. Obtain a signed Final Forest Conservation Plan showing root pruning and construction protection procedures for the three specimen trees.
6. Obtain a signed Revised Phase II Plan prior to signature of these applications.
7. Comply with Agency comments:
 - a. Planning, DPDP
 - b. Engineering, DPDR
 - c. Transportation Engineering

Applicant Presentation:

Mr. Mark Friis with Rodgers Consulting representing the applicant presented the applicant's proposal. Mr. Friis concurred with the staff recommendations.

Public Comment

N/A

Decision: Mr. Brown made a motion to grant conditional approval in accordance with the staff recommendations. 2nd by Ms. McIntyre.

Yea 6 Nay 0 (Duke Absent)

Villages of Urbana, M-19 - Requesting approval of 25-lot townhouse subdivision and site plan design on 10.1 acres. Zoned: PUD, located South side Ethan ridge Drive. Tax Map 96/Parcels 229. File#: S-1065 Hansen #: 4679 (Stephen O'Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

The Staff finds, in accordance with the discussions in this report, plus the recommended conditions listed below, that the site plan application meets or will meet all requirements of Subdivision, Zoning, APFO and FRO Ordinance requirements. If the Planning Commission chooses to approve this application, the Staff recommends that the following conditions be added to the approval:

1. Obtain a signed Revised Phase II Plan prior to approval signature of these applications.
2. Modify the front setback from 20' to 21'.
3. Provide Photometric Chart (or spec-sheet data) and light pole standards limiting to 12' height and .5 ft.candle illumination at periphery.
4. Comply with miscellaneous Agency comments:
 - a. Engineering, DPDR
 - b. Transportation Engineering

Mr. O'Philip's stated that recommendation 4B should be deleted.

Applicant Presentation:

Mr. Mark Friis with Rodgers Consulting representing the applicant presented the applicant's proposal. Mr. Friis concurred with the staff recommendations.

Public Comment

N/A

Decision: Ms. McIntyre made a motion to grant conditional approval with conditions 1-3 as stated and amending condition #4 to read comply with all agency comments. 2nd by Mr. Crum.

Yea 6 Nay 0 (Duke Absent)

8. SITE PLANS

Abrams Property (Westview South) Lot 210 – (Continued from last month.) Requesting approval for a four building office flex-space on 14.2 acres. Zoned: MXD, located southeast quadrant of New Design Road and Executive Way

(Extended) in the Adamstown Planning Region.. Tax Map 86 /Parcel 3.
File#:SP-98-36 Hansen #: 4449 (Stephen O'Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

The Staff finds, in accordance with the discussions in this report, plus the recommended conditions listed below, that the site plan application meets or will meet all requirements of Subdivision, Zoning, APFO and FRO Ordinance requirements. If the Planning Commission chooses to approve this application, the Staff recommends that the following conditions be added to the approval:

1. Owner and Applicant shall confirm that "revised" site plan refers to the April 28, 2006 date-stamped plans that were submitted as part of this presentation.
2. Provide a loading space to Building #1 or provide an explanation acceptable to Staff regarding how a 43,400 sq.ft. building will not, at some point in the future, require loading spaces for a building that is listed as "office flex-space".
3. Add a note to the plan to indicate that the shrubs shall be grown to a minimum height of 4' and that all the plants shall be maintained in a living condition.
4. Provide revised Photometric distribution showing limitations of 0.5 ft. candle at site periphery.
5. Document the site-identification signs on the site plan and show net calculations for the buildings. **(total – site ID = net sq. ft.)**
6. Comply with Agency comments:
 - a. Engineering, DPDR
 - b. Fire Marshal

Applicant Presentation:

Mr. Mark Friis with Rodgers Consulting representing the applicant Mickey Abrams, presented the applicant's proposal. Mr. Friis concurred with the staff recommendations. Mr. Friis proffered to provide a loading space at the southeast area of Building #1 in response to Staff condition #2.

Public Comment:

N/A

Decision: Mr. Brown made a motion to grant conditional approval in accordance with the staff recommendations. 2nd by Mr. Crum.

Yea 6 Nay 0 (Duke Absent)

(Mr. Brown Left)

Grace Episcopal Church – Requesting approval for revised church-building location on 25.6 acres. Zoned: Agricultural, located West side Rt. 75, ¼ mile north of Old New Market Road in the New Market Planning Region. Tax Map 79 /Parcel 300. File#: SP-03-12 Hansen #: 3195 (Stephen O’Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

The Staff finds, in accordance with the discussions in this report, plus the recommended conditions listed below, that the site plan application meets or will meet all requirements of Subdivision, Zoning, APFO and FRO Ordinance requirements. If the Planning Commission chooses to approve this application, the Staff recommends that the following conditions be added to the approval:

1. Reduce parking aisle widths to 22’.
2. Provide spec-sheet of photometric distribution.
3. Provide elevation of free-standing sign.

Applicant Presentation:

Mr. David Lingg with Lingg Property Consulting representing the applicant Grace Episcopal Church, presented the applicant's proposal.

Public Comment:

N/A

Decision: Ms. McIntyre made a motion to grant conditional approval in accordance with the staff recommendations amending #1 to read: work with staff to reduce the parking aisle to 22 ft. as appropriate. 2nd by Ms. Hines.

Yea 5 Nay 0 (Brown Recused)(Duke Absent)

(Lunch Break at 12:30 p.m.)

(Resumed at 1:30 p.m.)

(Mr. Cady Absent)

Tuscarora High School Addition - Requesting Site Plan Approval for four additions totaling 32,410 square feet. Located on 40.01 acres, west side of Ballenger Creek Pike south of Corporate Drive. Zoned: Agriculture (AG) Frederick Planning Region. Tax Map: 86 Parcel 55, File #: SP-00-21 Hansen #: 4534 (Justin Horman)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements. Staff has no objection to conditional approval of the site plan.

Recommendations:

Should the Planning Commission conditionally approve this Site Plan (SP-00-21, AP 4534). Staff recommends that the following items be added as conditions of approval:

1. The applicant shall provide additional landscaping along the entire building that is to be reviewed and approved by Staff.
2. Comply with all Hansen and agency comments throughout the completion of the project.

Applicant Presentation:

Mr. Gordon Poffenberger with Fox & Associates representing the applicant presented the applicant's proposal. Mr. Poffenberger concurred with the staff recommendations.

(Mr. Cady Arrived 1:35 p.m.)

Public Comment:

N/A

Decision: Mr. Brown made a motion for conditional approval in accordance with the staff recommendations. 2nd by Ms. McIntyre.

Yea 6 Nay 0 (Duke Absent)

Mount Saint Mary's Dormitory - Requesting Site Plan Approval 52,545 square foot dormitory and parking lot expansion on 12.8 acres, Located at the intersection of Annandale Road and Old Emmitsburg Road, Zoned: Agriculture (AG), Emmitsburg Planning Region, Tax Map 8, Parcel 68, File # SP-84-22, Hansen # 4157. (Justin Horman)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements. Staff has no objection to conditional approval of the site plan.

Recommendation:

Should the Planning Commission conditionally approve this Site Plan (SP-84-22, AP 4157) for the proposed 52,545 square foot 3 story Dormitory, a new parking lot #13 and expansion of existing parking lot #8. Staff recommends that the following items be added as conditions of approval:

1. The applicant shall obtain approval of the necessary Water and Sewerage Plan amendments per comments from the Comprehensive Planning Section.
2. The applicant shall continue to address the SHA comments
3. The private sewage treatment plant that serves this site must have adequate capacity to accommodate this proposal. Contact MD Dept. of Environment for feasibility @ 410-537-3677
4. The applicant shall execute a Letter of Understanding that states the applicant agrees to participate in the mitigation of the traffic issues anticipated with the development of this site prior to final site plan approval and signature.
5. Address all agency comments as the plan proceeds through completion.

Applicant Presentation:

Mr. Joe Lebherz employee of Mount St. Mary's presented his request in regards to new dormitories. Mr. (inaudible) with Air Saint Gross spoke of the architecture of the dormitories. Mr. Lebherz concurred with the staff recommendations.

Public Comment:

Mr. Joe Long representing the Long Family. Mr. Long wanted the black chain link fence to be taller, wanted landscape to be increased 4 times as much as shown on the current landscape plan, berm for sound protection, asking for property to be protected while in construction process.

Rebuttal:

Mr. Joe Lebherz stated he would work with the neighbors throughout the construction process.

Decision: Mr. Brown made a motion to grant conditional approval in accordance with the staff recommendations, adding a 6th item granting the modification for the entrance spacing also adding a 7th item that allows staff to approve any modifications or improvements to the revised landscaping as reviewed by the Planning Commission. 2nd by Mr. Cady.

Yea 6 Nay 0 (Duke Absent)

McKinney Industrial Site, Section 2, Lot 21 – Requesting Site Plan approval for a 32,300 sq ft office/warehouse building, located on the east side Metropolitan Court: (LI) Limited Industrial, Adamstown Planning Region. Tax Map 86/Parcel 223. File # SP77-02; Hansen # 4582 (Michael Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements. Staff has no objection to conditional approval of the site plan.

Recommendations:

Should the FcPc approve this Site Plan (SP77-02, AP 4582) for the proposed 32,300 sq ft speculative warehouse/office facility, Staff recommends that the following items be added as conditions to the approval:

1. Applicant shall continue to address all agency comments through the completion of this project.
2. Prior to site plan final approval and signature, Forest plans must be approved. Prior to submission of grading or building permit application, forests easements must be recorded.

Applicant Presentation:

Mr. Fran Zeller with Harris, Smariga & Associates representing the applicant Buckeye Development, presented the applicant's proposal.

Public Comment:

N/A

Decision: Mr. Brown made a motion to grant conditional approval in accordance with the staff recommendations in the event the applicant is able to get the easement to the north & south staff has the authority to make these modifications without the plan coming back to Planning Commission. 2nd by Ms. McIntyre.

Yea 6 Nay 0 (Duke Absent)

Urbana Library -Requesting approval of setback modification of The Villages of Urbana, Section M-1C (Urbana Mixed Use Town Center). Zoned PUD, located Northwest side Rt. 355 Relocated (Worthington Blvd.) Tax Map 96/Parcels1200. Hansen # 4761 (Stephen O'Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

The Staff finds, in accordance with the discussions in this report, plus the recommended conditions listed below, that the site plan application meets or will meet all requirements of Subdivision, Zoning, APFO and FRO Ordinance requirements. If the Planning Commission chooses to approve this application, the Staff recommends that the following conditions be added to the approval:

1. Comply with Engineering Department's requests for technical clarifications.

Applicant Presentation:

Mr. Mark DiLandro, representing the applicant, The Department of Public Works. Project Manager, for the Urbana Library. Concurred with Staff recommendations.

Public Comment:

N/A

Decision: Ms. McIntyre made a motion to grant conditional approval in accordance with the staff recommendations. 2nd by Mr. Crum.

Yea 6 Nay 0

Ms. McIntyre asked to have a workshop item added to the June Agenda in regards to the Parking requirements. Mr. White requested that the public be advised of this workshop prior to. Ms. McIntyre stated that public comment was not an option for a workshop. Mr. Depo stated that it is up to the Commission as to whether they want to hear public comment at workshops or not. Mr. White stated that if the need for public comment is needed there can be a public hearing scheduled. Mr. Depo wanted to ask Zoning, Soter & Smith, for a time frame of this workshop. Ms. McIntyre requested for a date of this workshop at the next meeting. Mr. Cady asked how the current rules are not working and what could make it better. Ms. McIntyre asked for creative ways to calculate or handle parking.

Adjourned at 2:32 p.m.

Respectfully Submitted,

Alan E. Duke; Chairman